

LIST OF DOCUMENTS, EXHIBITS, AND OTHER ATTACHMENTS

J.1 LIST OF ATTACHMENTS

The following attachments constitute part of this contract:

Attachment	Description	Date	Pages
1.	Davis Bacon Wage Determinations General Decision No. VA20070054	05/02/2008	3
2.	Specifications #S-247157	March 27, 2008	40
3.	Drawings 15144 through 15171	03/30/08	25
4.	Contractor's Daily Report form WI 452 (11 89)		2
5.	WFF Sponsor Responsibility and Vouching Policy	11/25/2002	4
6.	Vehicle and Pedestrian Rules	10/18/1999	2
7.	Health and Safety Plan (To be provided by the successful bidder prior to Notice to Proceed)		
8.	Personal Identity Verification Card Issuance Procedures	12/2006	4
9.	Bridge Load Limits		4

REPRESENTATIONS, CERTIFICATIONS, AND OTHER STATEMENTS OF BIDDERS

K.1 52.203-2 Certificate of Independent Price Determination. (APR 1985)

(a) The offeror certifies that

(1) The prices in this offer have been arrived at independently, without, for the purpose of restricting competition, any consultation, communication, or agreement with any other offeror or competitor relating to (i) those prices, (ii) the intention to submit an offer, or (iii) the methods or factors used to calculate the prices offered;

(2) The prices in this offer have not been and will not be knowingly disclosed by the offeror, directly or indirectly, to any other offeror or competitor before bid opening (in the case of a sealed bid solicitation) or contract award (in the case of a negotiated solicitation) unless otherwise required by law; and

(3) No attempt has been made or will be made by the offeror to induce any other concern to submit or not to submit an offer for the purpose of restricting competition.

(b) Each signature on the offer is considered to be a certification by the signatory that the signatory

(1) Is the person in the offeror's organization responsible for determining the prices being offered in this bid or proposal, and that the signatory has not participated and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above; or

(2) (i) Has been authorized in writing, to act as agent for the following principals in certifying that those principals have not participated, and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above
..... [insert full name of person(s) in the offeror's organization responsible for determining the prices offered in this bid or proposal, and the title of his or her position in the offeror's organization].

(ii) As an authorized agent, does certify that the principals named in subdivision (b)(2)(i) above have not participated, and will not participate, in any action contrary to subparagraphs (a)(1) through (a)(3) above; and

(iii) As an agent, has not personally participated, and will not participate, in any action contrary to subparagraphs (a)(1) through (a)(3) above.

(c) If the offeror deletes or modifies subparagraph (a)(2) above, the offeror must furnish with its offer a signed statement setting forth in detail the circumstances of the disclosure.

(End of provision)

K.2 52.203-11 Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions. (SEP 2005)

(a) The Definitions and prohibitions contained in the clause, at FAR 52.203 12, Limitation on Payments to Influence Certain Federal Transactions, included in this solicitation, are hereby incorporated by reference in paragraph (b) of this certification.

(b) The offeror, by signing its offer, hereby certifies to the best of his or her knowledge and belief that on or after December 23, 1989

(1) No Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress on his or her behalf in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;

(2) If any funds other than Federal appropriated funds (including profit or fee received under a covered Federal transaction) have been paid, or will be paid, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress on his or her behalf in connection with this solicitation, the offeror shall complete and submit, with its offer, OMB standard form LLL, Disclosure of Lobbying Activities, to the Contracting Officer; and

(3) He or she will include the language of this certification in all subcontract awards at any tier and require that all recipients of subcontract awards in excess of \$100,000 shall certify and disclose accordingly.

(c) Submission of this certification and disclosure is a prerequisite for making or entering into this contract imposed by section 1352, title 31, United States Code. Any person who makes an expenditure prohibited under this provision or who fails to file or amend the disclosure form to be filed or amended by this provision, shall be subject to a civil penalty of not less than \$10,000, and not more than \$100,000, for each such failure.

(End of provision)

K.3 52.204-8 Annual Representations and Certifications. (JAN 2006)

(a)(1) The North American Industry Classification System (NAICS) code for this acquisition is *[insert NAICS code]*.

(2) The small business size standard is *[insert size standard]*.

(3) The small business size standard for a concern which submits an offer in its own name, other than on a construction or service contract, but which proposes to furnish a product which it did not itself manufacture, is 500 employees.

(b)(1) If the clause at 52.204-7, Central Contractor Registration, is included in this solicitation, paragraph (c) of this provision applies.

(2) If the clause at 52.204-7 is not included in this solicitation, and the offeror is currently registered in CCR, and has completed the ORCA electronically, the offeror may choose to use paragraph (c) of this provision instead of completing the corresponding individual representations and certifications in the solicitation. The offeror shall indicate which option applies by checking one of the following boxes:

☐ (i) Paragraph (c) applies.

☐ (ii) Paragraph (c) does not apply and the offeror has completed the individual representations and certifications in the solicitation.

(c) The offeror has completed the annual representations and certifications electronically via the Online Representations and Certifications Application (ORCA) website at <http://orca.bpn.gov>. After reviewing the ORCA database information, the offeror verifies by submission of the offer that the representations and certifications currently posted electronically have been entered or updated within the last 12 months, are current, accurate, complete, and applicable to this solicitation (including the business size standard applicable to the NAICS code referenced for this solicitation), as of the date of this offer and are incorporated in this offer by reference (see FAR 4.1201); except for the changes identified below *[offeror to insert changes, identifying change by clause number, title, date]*. These amended representation(s) and/or certification(s) are also incorporated in this offer and are current, accurate, and complete as of the date of this offer.

 FAR Clause Title Date Change

Any changes provided by the offeror are applicable to this solicitation only, and do not result in an update to the representations and certifications posted on ORCA.

(End of Provision)

K.4 52.219-1 Small Business Program Representations. (MAY 2004)--Alternate 1 (APR 2002)

(a)(1) The North American Industry Classification System (NAICS) code for this acquisition is 238910.

(2) The small business size standard is \$13,000,000.00.

(3) The small business size standard for a concern which submits an offer in its own name, other than on a construction or service contract, but which proposes to furnish a product which it did not itself manufacture, is 500 employees.

(b) Representations.

(1) The offeror represents as part of its offer that it ☐ is, ☐ is not a small business concern.

(2) [Complete only if offeror represented itself as a small business concern in paragraph (b)(1) of this provision.] The offeror represents, for general statistical purposes, that it ☐ is, ☐ is not a small disadvantaged business concern as defined in 13 CFR 124.1002.

(3) [Complete only if offeror represented itself as a small business concern in paragraph (b)(1) of this provision.] The offeror represents as part of its offer that it ☐ is, ☐ is not a women-owned small business concern.

(4) [Complete only if the offeror represented itself as a small business concern in paragraph (b)(1) of this provision.] The offeror represents as part of its offer that it ☐ is, ☐ is not a veteran-owned small business concern.

(5) [Complete only if the offeror represented itself as a veteran-owned small business concern in paragraph (b)(4) of this provision.] The offeror represents as part of its offer that it ☐ is, ☐ is not a service-disabled veteran-owned small business concern.

(6) [Complete only if offeror represented itself as a small business concern in paragraph (b)(1) of this provision.] The offeror represents, as part of its offer, that--

(i) It ☐ is, ☐ is not a HUBZone small business concern listed, on the date of this representation, on the List of Qualified HUBZone Small Business Concerns maintained by the Small Business Administration, and no material change in ownership and control, principal office of ownership, or HUBZone employee percentage has occurred since it was certified by the Small Business Administration in accordance with 13 CFR Part 126; and

(ii) It ☐ is, ☐ is not a joint venture that complies with the requirements of 13 CFR Part 126, and the representation in paragraph (b)(6)(i) of this provision is accurate for the HUBZone small business concern or concerns that are participating in the joint venture. [The offeror shall enter the name or names of the HUBZone small business concern or concerns that are participating in the joint venture:

_____] Each HUBZone small business concern participating in the joint venture shall submit a separate signed copy of the HUBZone representation.

(7) [Complete if the offeror represented itself as disadvantaged in paragraph (b)(2) of this provision.] The offeror shall check the category in which its ownership falls:

_____ Black American

_____ Hispanic American

_____ Native American (American Indians, Eskimos, Aleuts, or Native Hawaiians).

_____ Asian-Pacific American (persons with origins from Burma, Thailand, Malaysia, Indonesia, Singapore, Brunei, Japan, China, Taiwan, Laos, Cambodia (Kampuchea), Vietnam, Korea, The Philippines, U.S. Trust Territory of the Pacific Islands (Republic of Palau), Republic of the Marshall Islands, Federated States of Micronesia, the Commonwealth of the Northern Mariana Islands, Guam, Samoa, Macao, Hong Kong, Fiji, Tonga, Kiribati, Tuvalu, or Nauru).

_____ Subcontinent Asian (Asia-Indian) American (persons with origins from India, Pakistan, Bangladesh, Sri Lanka, Bhutan, the Maldives Islands, or Nepal).

_____ Individual/concern, other than one of the preceding.

(c) Definitions. As used in this provision--

"Service-disabled veteran-owned small business concern"--

(1) Means a small business concern--

(i) Not less than 51 percent of which is owned by one or more service-disabled veterans or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more service-disabled veterans; and

(ii) The management and daily business operations of which are controlled by one or more service-disabled veterans or, in the case of a service-disabled veteran with permanent and severe disability, the spouse or permanent caregiver of such veteran.

(2) "Service-disabled veteran" means a veteran, as defined in 38 U.S.C. 101(2), with a disability that is service-connected, as defined in 38 U.S.C. 101(16).

"Small business concern" means a concern, including its affiliates, that is independently owned and operated, not dominant in the field of operation in which it is bidding on Government contracts, and qualified as a small business under the criteria in 13 CFR Part 121 and the size standard in paragraph (a) of this provision.

"Veteran-owned small business concern" means a small business concern--

(1) Not less than 51 percent of which is owned by one or more veterans (as defined at 38

U.S.C. 101(2)) or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more veterans; and

(2) The management and daily business operations of which are controlled by one or more veterans.

“Women-owned small business concern” means a small business concern--

(1) That is at least 51 percent owned by one or more women; or, in the case of any

publicly owned business, at least 51 percent of the stock of which is owned by one or more women; and

(2) Whose management and daily business operations are controlled by one or more women.

(d) Notice. (1) If this solicitation is for supplies and has been set aside, in whole or in part, for small business concerns, then the clause in this solicitation providing notice of the set-aside contains restrictions on the source of the end items to be furnished.

(2) Under 15 U.S.C. 645(d), any person who misrepresents a firm's status as a small, HUBZone small, small disadvantaged, or women-owned small business concern in order to obtain a contract to be awarded under the preference programs established pursuant to section 8(a), 8(d), 9, or 15 of the Small Business Act or any other provision of Federal law that specifically references section 8(d) for a definition of program eligibility, shall--

(i) Be punished by imposition of fine, imprisonment, or both;

(ii) Be subject to administrative remedies, including suspension and debarment; and

(iii) Be ineligible for participation in programs conducted under the authority of the Act.

(End of provision)

K.5 52.219-2 Equal Low Bids. (OCT 1995)

(a) This provision applies to small business concerns only.

(b) The bidder's status as a labor surplus area (LSA) concern may affect entitlement to award in case of tie bids. If the bidder wishes to be considered for this priority, the bidder must identify, in the following space, the LSA in which the costs to be incurred on account of manufacturing or production (by the offeror or the first tier subcontractors) amount to more than 50 percent of the contract Price.

.....

.....

(c) Failure to identify the labor surplus areas as specified in paragraph (b) of this

provision will preclude the bidder from receiving priority consideration. If the bidder is awarded a contract as a result of receiving priority consideration under this provision and would not have otherwise received the award, the bidder shall perform the contract or cause the contract to be performed in accordance with the obligations of an LSA concern.

(End of provision)

K.6 52.222-22 Previous Contracts and Compliance Reports. (FEB 1999)

The offeror represents that

(a) It // has, // has not participated in a previous contract or subcontract subject to the Equal Opportunity clause of this solicitation;

(b) It // has, // has not filed all required compliance reports; and

(c) Representations indicating submission of required compliance reports, signed by proposed subcontractors, will be obtained before subcontract awards.

(End of provision)

K.7 52.223-13 Certification of Toxic Chemical Release Reporting. (AUG 2003)

(a) Executive Order 13148, of April 21, 2000, Greening of the Government through Leadership in Environmental Management, requires submission of this certification as a prerequisite for contract award.

(b) By signing this offer, the offeror certifies that--

(1) As the owner or operator of facilities that will be used in the performance of this contract that are subject to the filing and reporting requirements described in section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) (42 U.S.C. 11023) and section 6607 of the Pollution Prevention Act of 1990 (PPA) (42 U.S.C. 13106), the offeror will file and continue to file for such facilities for the life of the contract the Toxic Chemical Release Inventory Form (Form R) as described in sections 313(a) and (g) of EPCRA and section 6607 of PPA; or

(2) None of its owned or operated facilities to be used in the performance of this contract is subject to the Form R filing and reporting requirements because each such facility is exempt for at least one of the following reasons: (Check each block that is applicable.)

/ / (i) The facility does not manufacture, process, or otherwise use any toxic chemicals listed in 40 CFR 372.65);

/ / (ii) The facility does not have 10 or more full time employees as specified in section 313(b)(1)(A) of EPCRA, 42 U.S.C. 11023(b)(1)(A);

/ / (iii) The facility does not meet the reporting thresholds of toxic chemicals

established under section 313(f) of EPCRA, 42 U.S.C. 11023(f) (including the alternate thresholds at 40 CFR 372.27, provided an appropriate certification form has been filed with EPA);

/ / (iv) The facility does not fall within Standard Industrial Classification Code (SIC) codes or their corresponding North American Industry Classification System sectors:

(A) Major group code 10 (except 1011, 1081, and 1094).

(B) Major group code 12 (except 1241)

(C) Major group codes 20 through 39)

(D) Industry code 4911, 4931, or 4939 (limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce).

(E) Industry code 4953 (limited to facilities regulated under the Resource Conservation and Recovery Act, Subtitle C (42 U.S.C. 6921, et seq.), or 5169, or 5171, or 7389 (limited to facilities primarily engaged in solvent recovery services on a contract or fee basis; or

/ / (v) The facility is not located within any State of the United States or its outlying areas.

(End of provision)

K.8 52.209-5 -- Certification Regarding Responsibility Matters. (MAY 2008)

(a)

(1) The Offeror certifies, to the best of its knowledge and belief, that --

(i) The Offeror and/or any of its Principals --

(A) Are * are not * presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any Federal agency;

(B) Have * have not *, within a three-year period preceding this offer, been convicted of or had a civil judgment rendered against them for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, state, or local) contract or subcontract; violation of Federal or state antitrust statutes relating to the submission of offers; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, violating Federal criminal tax laws, or receiving stolen property; and

(C) Are * are not * presently indicted for, or otherwise criminally or civilly charged by a governmental entity with, commission of any of the offenses enumerated in paragraph (a)(1)(i)(B) of this provision; and

(D) Have [], have not [], within a three-year period preceding this offer,

been notified of any delinquent Federal taxes in an amount that exceeds \$3,000 for which the liability remains unsatisfied.

(1) Federal taxes are considered delinquent if both of the following criteria apply:

(i) The tax liability is finally determined. The liability is finally determined if it has been assessed. A liability is not finally determined if there is a pending administrative or judicial challenge. In the case of a judicial challenge to the liability, the liability is not finally determined until all judicial appeal rights have been exhausted.

(ii) The taxpayer is delinquent in making payment. A taxpayer is delinquent if the taxpayer has failed to pay the tax liability when full payment was due and required. A taxpayer is not delinquent in cases where enforced collection action is precluded.

(2) Examples.

(i) The taxpayer has received a statutory notice of deficiency, under I.R.C. §6212, which entitles the taxpayer to seek Tax Court review of a proposed tax deficiency. This is not a delinquent tax because it is not a final tax liability. Should the taxpayer seek Tax Court review, this will not be a final tax liability until the taxpayer has exercised all judicial appeal rights.

(ii) The IRS has filed a notice of Federal tax lien with respect to an assessed tax liability, and the taxpayer has been issued a notice under I.R.C. §6320 entitling the taxpayer to request a hearing with the IRS Office of Appeals contesting the lien filing, and to further appeal to the Tax Court if the IRS determines to sustain the lien filing. In the course of the hearing, the taxpayer is entitled to contest the underlying tax liability because the taxpayer has had no prior opportunity to contest the liability. This is not a delinquent tax because it is not a final tax liability. Should the taxpayer seek tax court review, this will not be a final tax liability until the taxpayer has exercised all judicial appeal rights.

(iii) The taxpayer has entered into an installment agreement pursuant to I.R.C. §6159. The taxpayer is making timely payments and is in full compliance with the agreement terms. The taxpayer is not delinquent because the taxpayer is not currently required to make full payment.

(iv) The taxpayer has filed for bankruptcy protection. The taxpayer is not delinquent because enforced collection action is stayed under 11 U.S.C.

362 (the Bankruptcy Code).

(ii) The Offeror has [] has not [], within a three-year period preceding this

offer, had one or more contracts terminated for default by any Federal agency.

(2) "Principals," for the purposes of this certification, means officers; directors; owners; partners; and, persons having primary management or supervisory responsibilities within a business entity (e.g., general manager; plant manager; head of a subsidiary, division, or business segment, and similar positions).

This Certification Concerns a Matter Within the Jurisdiction of an Agency of the United States and the Making of a False, Fictitious, or Fraudulent Certification May Render the Maker Subject to Prosecution Under Section 1001, Title 18, United States Code.

(b) The Offeror shall provide immediate written notice to the Contracting Officer if, at any time prior to contract award, the Offeror learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

(c) A certification that any of the items in paragraph (a) of this provision exists will not necessarily result in withholding of an award under this solicitation. However, the certification will be considered in connection with a determination of the Offeror's responsibility. Failure of the Offeror to furnish a certification or provide such additional information as requested by the Contracting Officer may render the Offeror nonresponsible.

(d) Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render, in good faith, the certification required by paragraph (a) of this provision. The knowledge and information of an Offeror is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

(e) The certification in paragraph (a) of this provision is a material representation of fact upon which reliance was placed when making award. If it is later determined that the Offeror knowingly rendered an erroneous certification, in addition to other remedies available to the Government, the Contracting Officer may terminate the contract resulting from this solicitation for default.

(End of Provision)

INSTRUCTIONS, CONDITIONS, AND NOTICES TO BIDDERS

L.1 CLAUSES INCORPORATED BY REFERENCE

52.211-14 Notice of Priority Rating for National Defense, Emergency Preparedness, and Energy Program Use. (APR 2008) [first paragraph fill-in [X] DO rated order]

52.214-3 Amendments to Invitations for Bids. (DEC 1989)

52.214-4 False Statements in Bids. (APR 1984)

52.214-5 Submission of Bids. (MAR 1997)

52.214-6 Explanation to Prospective Bidders. (APR 1984)

52.214-7 Late Submissions, Modifications, and Withdrawals of Bids. (NOV 1999)

52.214-18 Preparation of Bids - Construction. (APR 1984)

52.214-19 Contract Award -- Sealed Bidding – Construction. (Aug. 1996)

52.214-34 Submission of Offers in the English Language. (APR 1991)

52.214-35 Submission of Offers in U.S. Currency. (APR 1991)

L.2 1852.214 70 Caution to Offerors Furnishing Descriptive Literature. (DEC 1988)

Bidders are cautioned against furnishing as a part of their bids descriptive literature that includes language reserving to the bidder the right to deviate from the requirements of the invitation for bids. Statements that "Data are subject to change without notice," "Prices subject to change without notice," or words having a similar effect are examples of such reservation. The Government will reject as nonresponsive any bid that incorporates literature containing such language or any bid that must be evaluated by using literature containing such language. Bidders should clearly label any submissions of descriptive literature not intended to form a part of a bid as such in order to preclude any need for the Government to interpret the bidder's intent in submitting descriptive literature. [See FAR 14.202 5.]

(End of provision)

L.3 52.222-23 Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity for Construction. (FEB 1999)

(a) The offeror's attention is called to the Equal Opportunity clause and the Affirmative Action Compliance Requirements for Construction clause of this solicitation.

(b) The goals for minority and female participation, expressed in percentage terms for the Contractor's aggregate workforce in each trade on all construction work in the covered area, are as follows:

Goals for Minority Participation for Each Trade

[23.6%]

Goals for Female Participation for Each Trade

[6.9%]

These goals are applicable to all the Contractor's construction work performed in the covered area. If the Contractor performs construction work in a geographical area located outside of the covered area, the Contractor shall apply the goals established for the geographical area where the work is actually performed. Goals are published periodically in the *Federal Register* in notice form, and these notices may be obtained from any Office of Federal Contract Compliance Programs office.

(c) The Contractor's compliance with Executive Order 11246, as amended, and the regulations in 41 CFR 60-4 shall be based on (1) its implementation of the Equal Opportunity clause, (2) specific affirmative action obligations required by the clause entitled Affirmative Action Compliance Requirements for Construction, and (3) its efforts to meet the goals. The hours of minority and female employment and training must be substantially uniform throughout the length of the contract, and in each trade. The Contractor shall make a good faith effort to employ minorities and women evenly on each of its projects. The transfer of minority or female employees or trainees from Contractor to Contractor, or from project to project, for the sole purpose of meeting the Contractor's goals shall be a violation of the contract, Executive Order 11246, as amended, and the regulations in 41 CFR 60-4. Compliance with the goals will be measured against the total work hours performed.

(d) The Contractor shall provide written notification to the Deputy Assistant Secretary for Federal Contract Compliance, U.S. Department of Labor, within 10 working days following award of any construction subcontract in excess of \$10,000 at any tier for construction work under the contract resulting from this solicitation. The notification shall list the -

- (1) Name, address, and telephone number of the subcontractor;
- (2) Employer's identification number of the subcontractor;
- (3) Estimated dollar amount of the subcontract;
- (4) Estimated starting and completion dates of the subcontract; and
- (5) Geographical area in which the subcontract is to be performed.

(e) As used in this Notice, and in any contract resulting from this solicitation, the covered area is [*Contracting Officer shall insert description of the geographical areas where the contract is to be performed, giving the state, county, and city*].

(End of provision)

L.4 52.216-1 Type of Contract. (APR 1984)

The Government contemplates award of a Firm fixed price type contract resulting from this solicitation.

(End of provision)

L.5 52.233-2 Service of Protest. (SEP 2006)

(a) Protests, as defined in section 33.101 of the Federal Acquisition Regulation, that are filed directly with an agency, and copies of any protests that are filed with the Government Accountability Office (GAO), shall be served on the Contracting Officer (addressed as follows) by obtaining written and dated acknowledgment of receipt from Receiving Office
 Goddard Space Flight Center
 Wallops Flight Facility
 Building F-19
 Wallops Island, VA 23337

Prominently mark the envelope or package as follows:

Protest: Solicitation Number (enter solicitation number)
 Attn: (enter name of Contracting Officer)
 WFF Mail Code (enter if known)
 Contracting Officer Phone No. (enter if known)

Note: The Receiving Office is open from 7:30AM to 4:00PM, Monday through Friday, except Government holidays. Contractor personnel conduct the GSFC receiving function, which includes mailroom operations. Protests will be marked

with the date and time of receipt, subjected to security screening, secured, and delivered unopened to the Contracting Officer.

(b) The copy of any protest shall be received in the office designated above within one day of filing a protest with the GAO.

(End of provision)

L.6 52.236-27 Site Visit (Construction). (FEB 1995) - Alternate I (FEB 1995)

(a) The clauses at 52.236-2, Differing Site Conditions, and 52.236-3, Site Investigations and Conditions Affecting the Work, will be included in any contract awarded as a result of this solicitation. Accordingly, offerors or quoters are urged and expected to inspect the site where the work will be performed.

(b) An organized site visit has been scheduled and will be held as indicated below:

Date: July 10, 2008

Time: 1:00 p.m. EASTERN

Location: Site visit will commence in GSFC/WFF Reception Building (Bldg No. 127) at the Main Gate and then proceed to Building N-161 conference room.
ATTENDANCE BY PROSPECTIVE BIDDERS IS STRONGLY ENCOURAGED.

(c) Government personnel will discuss the requirements and answer questions regarding the solicitation.

(d) As a result of recent heightened security at this and other Federal facilities, the procedures/process for gaining access to this Facility, have changed significantly from those in the past. All individuals requiring access to GSFC/Wallops Flight Facility (GSFC/WFF) are required to present a picture ID and will be continually escorted while on GSFC/WFF. Individuals must be U.S. citizens; individuals possessing "Green Cards" will not be allowed to come on the Facility on short notice. Non-citizens requiring access must notify their "sponsor" in advance, not later than 30 days prior to access being required. The Government reserves the right to approve or deny access to the facility. Transportation will be provided to and from the GSFC/WFF Reception Building (Bldg No. 127) to Building N-161 for the site visit.

Any offeror's questions should be submitted, in writing, as soon as possible. TECHNICAL QUESTIONS MUST BE SUBMITTED NO LATER THAN JULY 23, 2008. The Government will not answer any question submitted too late to permit transmittal to all potential offerors reasonably in advance of the due date.

(End of provision)

L.7 52.252-1 Solicitation Provisions Incorporated by Reference. (FEB 1998)

This solicitation incorporates one or more solicitation provisions by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. The offeror is cautioned that the listed provisions may include blocks that must be completed by the offeror and submitted with its quotation or offer. In lieu of submitting the full text of those provisions, the offeror may identify the provision by paragraph identifier and provide the appropriate information with its quotation or offer. Also, the full text of a solicitation provision may be accessed electronically at this/these address(es): Federal Acquisition Regulation (FAR) clauses:

<http://www.acqnet.gov/far/>

NASA FAR Supplement (NFS) clauses:

<http://www.hq.nasa.gov/office/procurement/regs/nfstoc.htm>

(End of provision)

L.8 1852.223-73 Safety and Health Plan. (NOV 2004) -- Alternate I (NOV 2004)

(a) The apparent low bidder, upon request by the Contracting Officer, shall submit a detailed safety and occupational health plan (see NPR 8715.3, NASA Safety Manual, Appendices). The plan shall be submitted within the time specified by the Contracting Officer. Failure to submit an acceptable plan shall make the bidder ineligible for the award of a contract. The plan shall include a detailed discussion of the policies, procedures, and techniques that will be used to ensure the safety and occupational health of Contractor employees and to ensure the safety of all working conditions throughout the performance of the contract.

(b) When applicable, the plan shall address the policies, procedures, and techniques that will be used to ensure the safety and occupational health of the public, astronauts and pilots, the NASA workforce (including Contractor employees working on NASA contracts), and high-value equipment and property.

(c) The plan shall similarly address subcontractor employee safety and occupational health for those proposed subcontracts that contain one or more of the following conditions:

- (1) The work will be conducted completely or partly on premises owned or controlled by the government.
- (2) The work includes construction, alteration, or repair of facilities in

excess of the simplified acquisition threshold.

(3) The work, regardless of place of performance, involves hazards that could endanger the public, astronauts and pilots, the NASA workforce

(including Contractor employees working on NASA contracts), or high value equipment or property, and the hazards are not adequately addressed by Occupational Safety and Health Administration (OSHA) or Department of Transportation (DOT) regulations (if applicable).

(4) When the assessed risk and consequences of a failure to properly manage and control the hazards warrants use of the clause.

(d) This plan, as approved by the Contracting Officer, will be included in any resulting contract.

(End of provision)

L.9 1852.228-73 Bid Bond. (OCT 1988)

(a) Each bidder shall submit with its bid a bid bond (Standard Form 24) with good and sufficient surety or sureties acceptable to the Government, or other security as provided in Federal Acquisition Regulation clause 52.228-1, in the amount of twenty percent (20%) of the bid price, or \$3 million, whichever is the lower amount.

(b) Bid bonds shall be dated the same date as the bid or earlier.

(End of provision)

L.10 1852.233-70 Protests to NASA. (OCT 2002)

Potential bidders or offerors may submit a protest under 48 CFR Part 33 (FAR Part 33) directly to the Contracting Officer. As an alternative to the Contracting Officer's consideration of a protest, a potential bidder or offeror may submit the protest to the Assistant Administrator for Procurement, who will serve as or designate the official responsible for conducting an independent review. Protests requesting an independent review shall be addressed to Assistant Administrator for Procurement, NASA Code H, Washington, DC 20546-0001.

(End of provision)

L.11 1852.236-74 Magnitude of Requirement. (DEC 1988)

The Government estimated price range of this project is between \$1,000,000 to

\$5,000,000.

(End of provision)

L.12 COMMUNICATIONS REGARDING THIS SOLICITATION

(a) Questions or comments regarding this solicitation must be submitted in writing, cite the solicitation number, and be directed to the following Government representative:

Name: Therese Patterson, Contract Specialist

Phone: 757-824-1066
(collect calls not accepted)

FAX: 757-824-1974

E-Mail: Therese.L.Patterson@nasa.gov

*Address: Goddard Space Flight Center
Wallops Flight Facility
Wallops Island, VA 23337
Attention: Therese Patterson, *Mail Code 210.W

*(Note: Must be complete, including Mail Code, on all transmittals.)

The Government will answer relevant and appropriate questions regarding this solicitation. Any bidder questions should be submitted as soon as possible.

Oral questions will not be answered due to the possibility of misunderstanding or misinterpretation.

(b) Questions or comments should be submitted by July 23, 2008 to allow for analysis and dissemination of responses in advance of the proposal due date. Late questions or comments are not guaranteed a response prior to the proposal due date.

(c) Questions or comments shall not be directed to the technical activity personnel.

(End of provision)

L.13 CONSTRUCTION--OTHER INSTRUCTIONS/CONDITIONS/NOTICES

a. Do not include the price of base bid in the price of any requested option.

b. Word any telefaxed amendment carefully to state the amount of increase or decrease of base bid and option price. Do not include the original or revised bid total price in a

telefaxed message--only the amount of increase or decrease of each base bid and option price.

c. Be sure to submit bid guarantee in the amount of 20 percent of bid price. The guarantee cannot be amended by telefax. Recommend that the figures "20%" be inserted in the proper blank on Standard Form 24 and limit (amount not to exceed) should be high enough to cover any telegraphic increase in bid.

d. Review FAR Clause 52.236-5, "Material and Workmanship". Reference to a brand name of any equipment, material, article, or patented process shall be regarded as establishing a standard of quality and not limiting competition.

e. Oral statements by government representatives will not affect the work. All changes, if any, will be made by amendments issued by the Contracting Officer.

f. Public Opening of Bids. Bids will be publicly opened at the time set for opening in the invitation for bids. Their content will be made public for the information of bidders and others interested, who may be present either in person or by representative.

g. Bidder's Qualifications. Before a bid is considered for award, the bidder may be requested by the Government to submit a statement regarding his previous experience in performing comparable work, his business and technical organization, financial resources, and plant available to be used in performing the work.

(End of Text)

L.14 BID MARKING AND DELIVERY

1. Receiving Office

The designated receiving office for bids is the Visitor's Reception Center located on the premises of the Goddard Space Flight Center, Wallops Flight Facility, Wallops Island, VA 23337, in Building N-127. Bids must be received by the date and time stated on the solicitation face page. Offerors must either deliver their bid, modifications or withdrawals by U. S. Postal Service Mail or *hand deliver (includes the use of a commercial delivery service, see 2b. below). Regardless of the delivery method chosen, the bid must be closed and sealed as if for mailing.

* NOTE: Effective immediately, receipt of hand delivered bids and the public opening of all bids, will be conducted the same day. One hour prior to the bid receipt time, between 1:30 p.m. and 2:30 p.m. Eastern on the bid due date, the Contracting Officer, or his/her representative, will be available to receive bids/offers at the GSFC/WFF Reception Building (Bldg. No. 127) adjacent to the GSFC/WFF Main Gate. Hand carried bids will only be accepted/received during the period identified in the solicitation. For bids/offers to be considered, they must be accepted by a Government representative prior to the bid due date and time. Any attempt to hand deliver bids/proposals at a time other than that

identified in the solicitation, is considered unacceptable and will not be allowed. See the "Notice to All Bidders" attached to the front of the solicitation documents for new policy on the Delivery of Bids and Public Bid Openings at GSFC/Wallops Flight Facility, Wallops Island, VA. Non-U.S. citizens will not be given access to the Goddard Space Flight Center, Wallops Flight Facility, for the purpose of bid delivery.

2. External Marking

[PLEASE NOTE THE DELIVERY ADDRESS BELOW AND THE ADDITIONAL MARKING REQUIREMENTS IN (b) IF A COMMERCIAL DELIVERY SERVICE IS USED]

(a) The required mailing address/external marking for bids is as follows:

"NASA
Goddard Space Flight Center
Wallops Flight Facility
Wallops Island, VA 23337
Attention: Bid Room, Code 210.W
Building E105, Room 319
IFB (offeror--add the remaining numbers of solicitation)
SEALED BID -- DELIVER UNOPENED"

(b) If the bid is to be delivered by a commercial delivery service such as United Parcel Service, Federal Express, DHL, or Purolator, the same time constraints apply as in paragraph 1 above. Delivery must be made to the Receiving Facility, Building F-19. Also place the following on the outside of the carriers' envelope or package cover: (offeror must complete fill-ins appropriately)

Same information as in (a) above and--

"COMMERCIAL DELIVERY PERSONNEL: THIS BID MUST BE HAND CARRIED DIRECTLY TO THE RECEIVING FACILITY, BUILDING F-19, AND RECEIVED NO LATER THAN 1:30 P.M. EASTERN ON AUGUST 5, 2008. THE RECEIVING FACILITY IS OPEN FROM 8:00 AM TO 4:00 PM, MONDAY THROUGH FRIDAY, EXCEPT GOVERNMENT HOLIDAYS"

(End of text)

L.15 SEALED BID PROCUREMENT

This solicitation provides for award to be made to the lowest priced, responsive, responsible bidder providing the most advantageous bid considering only price and price-related factors.

The Government will evaluate bids in three general steps:

Step One -- Publicly open and record all bids submitted in response to the solicitation.

Step Two -- Examine all bids for mistakes. Determine responsibility of the bidder and reasonableness of the price(s) bid.

Step Three -- The Government will award a contract to the low, responsive, responsible bidder, whose bid conforms to the solicitation and the specifications, and will be most advantageous to the Government, considering only price and the price-related factors included in this solicitation.

(End of provision)

L.16 REQUIRED INFORMATION TO BE PROVIDED BY BIDDER

Failure to submit the following information may result in a determination by the Contracting Officer that the bid is nonresponsive.

- (a) Bidders shall submit **THREE (3) ORIGINAL SIGNED COPIES** of the SF-1442 filled in as indicated (bindings are not desired).
- (b) Bidders shall submit a **BID BOND**, with the original bid, in the amount of twenty percent (20%) of the bid price, or \$3 million, whichever is the lower amount, or an Irrevocable Letter of Credit in accordance with Clause I.18, Irrevocable Letter of Credit.
- (c) Bidders shall submit base bid prices, options, and market value credit for existing generator totally and properly completed in Block 17 of the SF-1442.
- (d) Bidders shall acknowledge receipt of amendments in Block 19 of SF-1442 to the solicitation and give the number and date of each.

Only the required **MINIMUM** amount of information is requested to provide for proper evaluation. Efforts should be made to keep bids as **BRIEF** as possible, concentrating on substantive information essential for a proper evaluation.

One copy of requested **INFORMATION** shall be submitted along with the **THREE (3) ORIGINAL SIGNED COPIES** of the attached SF-1442. Bids shall include the bidder's facsimile number and e-mail address(es).

FACSIMILE BIDS SHALL NOT BE AUTHORIZED AS A METHOD OF RESPONSE TO THIS SOLICITATION.

(End of text)

L.17 REQUIRED FORMS

(a) The forms listed below are attached to the end of this solicitation and shall be submitted prior to award of any contract resulting from this solicitation, upon request from the responsible contracting office.

NONE

(b) The forms listed below are required to be submitted in the performance of any contract awarded as a result of this solicitation. Forms are available in part 53 of the FAR or NASA FAR Supplement. An information copy of a form may be obtained from the responsible contracting office. See FAR 52.253-1 and 53.105(b) for information on the use of computer generated forms. See FAR 53.107(b) for information on obtaining multiple copies of forms.

SF 3881 Payment Information Form ACH Vendor Payment System

(End of Text)

EVALUATION FACTORS FOR AWARD

M.1 1852.214-72 Full Quantities. (DEC 1988)

The Government will not consider an offer for quantities of items less than those specified. If this is an invitation for bids, the Government will reject as nonresponsive a bid that is not made on full quantities.

(End of provision)

M.2 PROSPECTIVE CONTRACTOR RESPONSIBILITY

The standards and procedures for determining whether prospective contractors and subcontractors are responsible are set forth in FAR Subpart 9.1. Deficiencies concerning the general standards of prospective contractor responsibility at FAR 9.104 1, and any special standards established for this procurement under FAR 9.104 2, may be serious enough to result in a determination of non-responsibility. As with all aspects of prospective contractor responsibility, a finding of non-responsibility can be made at any time prior to contract award. However, even if such deficiencies are not so serious to result in such a determination, they will nonetheless be considered in the evaluation as conducted under the evaluation factors set forth in this solicitation.

(End of text)

M.3 PRICE ANALYSIS

This is firm fixed price acquisition.

A price analysis will be conducted in accordance with FAR 15.305(a)(1). Price analysis is described at FAR 15.404-1(b). This analysis is done to ensure that a "fair and reasonable" price is paid by the Government. However, the analysis is not intended to be protective of the bidder.

(End of text)